

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kobi Bordoley	Team: Squad #3	CCRB Case #: 201703230	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 05/24/2016 10:00 PM, Wednesday, 05/25/2016	Location of Incident: 4243 Broadway Avenue; 34th Precinct stationhouse	Precinct: 34	18 Mo. SOL 11/24/2017	EO SOL 11/24/2017	
Date/Time CV Reported Sat, 04/22/2017 1:28 PM	CV Reported At: IAB	How CV Reported: E-mail	Date/Time Received at CCRB Wed, 04/26/2017 10:55 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Daniel Shaw	19720	953394	034 PCT
2. POF Amanda Vanwieren	11944	947111	034 PCT
3. POM Enlirat Gjevukaj	08576	950503	034 PCT
4. POM Sicelin Ortiz	15825	952073	034 PCT
5. POM Peter Johnson	01054	930430	034 PCT
6. An officer			034 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Sicelin Ortiz	Abuse: On May 24, 2016, outside of 4243 Broadway Avenue in Manhattan, Police Officer Siclin Ortiz stopped § 87(2)(b)	
B.POM Daniel Shaw	Abuse: On May 24, 2016, outside of 4243 Broadway Avenue in Manhattan, Police Officer Daniel Shaw stopped § 87(2)(b)	
C.POM Sicelin Ortiz	Abuse: On May 24, 2016, outside of 4243 Broadway Avenue in Manhattan, Police Officer Siclin Ortiz frisked § 87(2)(b)	
D.POM Daniel Shaw	Abuse: On May 24, 2016, outside of 4243 Broadway Avenue in Manhattan, Police Officer Daniel Shaw frisked § 87(2)(b)	
E.POM Enlirat Gjevukaj	Abuse: On May 24, 2016, outside of 4243 Broadway Avenue in Manhattan, Police Officer Enlirat Gjevukaj seized § 87(2)(b)'s property.	
F. An officer	Abuse: On May 24, 2016, outside of 4243 Broadway Avenue in Manhattan, an officer searched § 87(2)(b)	
G.POM Sicelin Ortiz	Abuse: On May 24, 2016, outside of 4243 Broadway Avenue in Manhattan, Police Officer Siclin Ortiz threatened to arrest § 87(2)(b)	
H.POM Daniel Shaw	Abuse: On May 24, 2016, outside of 4243 Broadway Avenue in Manhattan, Police Officer Daniel Shaw threatened to arrest § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
I.POM Peter Johnson	Off. Language: On May 24, 2016, outside of 4243 Broadway Avenue in Manhattan, Police Officer Peter Johnson made comments to § 87(2)(b) based on his physical disability.	
J.POM Sicelin Ortiz	Abuse: On May 24, 2016, outside of 4243 Broadway Avenue in Manhattan, Police Officer Siclin Ortiz forcibly removed § 87(2)(b) to the hospital.	
K.POM Peter Johnson	Abuse: On May 25, 2016, at the 34th Precinct stationhouse, Police Officer Peter Johnson refused to provide his name and/or shield number to § 87(2)(b)	
L.POM Enlirat Gjevukaj	Abuse: On May 25, 2016, outside 4243 Broadway Avenue in Manhattan, Police Officer Enlirat Gjevukaj threatened to arrest § 87(2)(b)	
M.POM Sicelin Ortiz	Abuse: On May 25, 2016, outside of 4243 Broadway Avenue in Manhattan, Police Officer Siclin Ortiz threatened to arrest § 87(2)(b)	
N.POM Sicelin Ortiz	Abuse: On May 25, 2016, outside of 4243 Broadway Avenue in Manhattan, Police Officer Siclin Ortiz threatened to remove § 87(2)(b) to the hospital.	
O.POM Daniel Shaw	Abuse: On May 25, 2016, outside of 4243 Broadway Avenue in Manhattan, Police Officer Daniel Shaw threatened to remove § 87(2)(b) to the hospital.	
P.POF Amanda Vanwieren	Abuse: On May 25, 2016, at the 34th Precinct stationhouse, Police Officer Amanda Vanwieren threatened to remove § 87(2)(b) to the hospital.	
Q.POF Amanda Vanwieren	Abuse: On May 25, 2016, at the 34th Precinct stationhouse, Police Officer Amanda Vanwieren threatened to arrest § 87(2)(b)	
R.POM Sicelin Ortiz	Discourtesy: On May 25, 2016, outside of 4243 Broadway Avenue in Manhattan, Police Officer Siclin Ortiz spoke discourteously to § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		
§ 87(4-b)		
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		

## Case Summary

On April 22, 2017, § 87(2)(b) made the following complaint to IAB by email, which the CCRB received on April 26, 2017.

On May 24, 2016, at approximately 10:00 P.M., § 87(2)(b) was in 4243 Broadway Avenue in Manhattan, a smoke shop, when he had a dispute with the owner over a piece of merchandise he had bought. The shop owner, § 87(2)(b) wanted § 87(2)(b) who allegedly had a multi-tool with him at the time, to leave and called 911, saying that § 87(2)(b) was threatening people with a knife. PO Sicelin Ortiz and PO Daniel Shaw of the 34<sup>th</sup> Precinct responded, and stopped § 87(2)(b) (**Allegations A and B**). PO Ortiz and PO Shaw then frisked § 87(2)(b) (**Allegations C and D**) while PO Enlirat Gjevukaj, also of the 34<sup>th</sup> Precinct, allegedly took his multi-tool (**Allegation E**), and an officer allegedly searched him (**Allegation F**). PO Ortiz and PO Shaw argued with § 87(2)(b) about how to resolve his complaints against § 87(2)(b) and told § 87(2)(b) that he could be arrested for trespassing (**Allegations G and H**). At this time, PO Peter Johnson, also of the 34<sup>th</sup> Precinct, allegedly asked § 87(2)(b) if he really needed a wheelchair as he looked “nimble,” “flexible,” and “pretty able,” which he perceived as offensive remarks based on his physical disability (**Allegation I**). PO Sicelin Ortiz believed that § 87(2)(b) was an emotionally disturbed person (EDP) and called EMS. As a result, § 87(2)(b) was taken to § 87(2)(b) in Manhattan against his will (**Allegation J**).

On May 25, 2016, at approximately 9:00 P.M., § 87(2)(b) went to the 34<sup>th</sup> Precinct stationhouse to complain about his interaction with the officers from the night before. While there he saw PO Amanda Vanwieren of the 34<sup>th</sup> Precinct and PO Johnson. § 87(2)(b) asked PO Johnson for his name, which he first gave as “Johnson” before changing it to “Benjamin” when § 87(2)(b) took out his phone to take a picture of him (**Allegation K**). Afterward, § 87(2)(b) went towards his home but passed 4243 Broadway Avenue, at which time § 87(2)(b) allegedly assaulted him and took his phone after he tried to take a picture. § 87(2)(b) then called 911 again, and PO Ortiz, PO Shaw, and PO Gjevukaj responded. PO Gjevukaj and PO Ortiz threatened to arrest § 87(2)(b) (**Allegations L and M**), and PO Ortiz and PO Shaw threatened to remove him to the hospital (**Allegations N and O**) before they left without taking any further police action. § 87(2)(b) then returned to the 34<sup>th</sup> Precinct stationhouse to complain about his assault, where he saw PO Ortiz and PO Vanwieren. PO Vanwieren threatened to remove § 87(2)(b) to the hospital and to arrest him (**Allegations P and Q**). § 87(2)(b) then left the stationhouse and returned to 4243 Broadway Avenue, at which point he called 911 again after taking a picture of what he alleged was § 87(2)(b)'s vehicle. PO Ortiz and PO Shaw responded, and during an argument over § 87(2)(b)'s multi-tool, PO Ortiz told § 87(2)(b) “They [meaning the EMTs] probably took your fucking knife” (**Allegation R**). § 87(4-b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) had six audio recordings of his interactions with officers on May 24, 2016, and May 25, 2016, which were taken from his I-phone and from a separate recording device he carried with him and which are contained in IA#15, IA#16, IA#17, IA#20, IA#173, and IA#174. The audio files provided in IA#173 and #174 were provided at a later date than the other audio

files, and the recording in IA#173 contains the entirety of the recordings contained in IA#15, IA#16, and IA#20, as well as extra audio. Where noted in the case file, the interviewed officers listened to the audio files as they are numerated.

§ 87(2)(b) filed this complaint 11 months after the incident. The Statute of Limitations for the first incident date expires on November 24, 2017.

This case is over 90 days old because of the more than four week delay in scheduling PO Ortiz due to scheduling conflicts and delays in acquiring his GO-15, and because § 87(2)(b) provided new audio recordings of the incident four months after filing his complaint, which required some officers to be re-interviewed.

§ 87(2)(g)

#### **Mediation, Civil and Criminal Histories**

- This case was not suitable for mediation because of an ongoing IAB complaint regarding the same incident, and due to the number of officers involved.
- On August 1, 2017, a FOIL request confirmed that no Notices of Claim had been filed in regards to these incidents (01 Board Review).
- § 87(2)(b) has no criminal history (02 Board Review).

#### **Civilian and Officer CCRB Histories**

- This is § 87(2)(b)'s first CCRB complaint (03 Board Review).
- PO Ortiz has been a member of the NYPD for five years and has been the subject in three other CCRB complaints, containing four other allegations, none of which were substantiated. § 87(4-b), § 87(2)(g) and CCRB 201707130 is currently ongoing. § 87(2)(g).
- PO Shaw has been a member of the NYPD for five years and has been the subject in one other CCRB complaint, CCRB 201704308, which is currently ongoing. § 87(2)(g).
- PO Gjevukaj has been a member of the NYPD for six years and has been the subject in one other CCRB complaint involving three allegations, none of which were substantiated. § 87(2)(g).
- PO Vanwieren has been a member of the NYPD for nine years and has been the subject of six other CCRB complaints containing 13 total allegations and no substantiations. § 87(4-b), § 87(2)(g).
- PO Johnson has been a member of the NYPD for 15 years and has been the subject of one other CCRB complaint containing a total of two allegations. That case, CCRB 201706652, is currently ongoing. § 87(2)(g).

### Potential Issues

- Because these incidents occurred over a year ago, the investigation was unable to obtain the audio of the related 911 or the detailed EVENTS from May 25, 2016.
- No EMS personnel were interviewed § 87(2)(g)

### Findings and Recommendations

#### Explanation of Subject Officer Identification

##### *Allegations I, K, and U*

§ 87(2)(b) alleged that on May 24, 2016, outside of 4243 Broadway Avenue in Manhattan, officers responded to a report of a dispute between himself and a store clerk. During the incident, one of the officers made comments to him based on his physical disability (**Allegation I**) and he was eventually forcibly removed to the hospital. On May 25, 2016, § 87(2)(b) went to the 34<sup>th</sup> Precinct stationhouse and asked the name of an officer that he recognized from the previous incident. After originally saying his name was “Johnson,” the officer then identified himself as “Benson” or “Benjamin” as § 87(2)(b) took a photograph of him (21 Board Review). § 87(2)(b) was unable to confirm the officer’s actual name (**Allegation K**).

§ 87(2)(b) took an audio recording of the incident, which he provided to the investigation (38 Board Review). The recording captures § 87(2)(b) asking an officer, “Can I get your name please?” The officer asks why, and § 87(2)(b) explains that he had not gotten the officer’s name last night. The officer responds that he did get his name. When § 87(2)(b) insists that he did not get his name, the officer responds, “Johnson. No, you don’t need to take a picture of me in here.” An audible click of a picture being taken is then heard. Another officer says, “You can’t do that.” § 87(2)(b) then asks, “Johnson? Well he wouldn’t give me his name. How come? He didn’t give it to me yesterday. Johnson?” A voice then says, “No.” § 87(2)(b) asks again, “You said Johnson?” and the voice again says, “No.” At that point, multiple voices say, “Benjamin, Benjamin, Benjamin.” § 87(2)(b) then says, “Benjamin? It is true? Before you said Johnson.” No officers respond. Later on in the same audio at 20:10, § 87(2)(b) speaks with the same officer again and says “Officer Johnson,” to which the officer responds, “No I’m not Johnson.” § 87(2)(b) then complains that first he said Johnson and then Benjamin, to which the officer says, “Who said that?” PO § 87(2)(b) [sic] says that he did. The officer then speaks inaudibly before telling § 87(2)(b) that officers would likely tell him to leave soon. § 87(2)(b) says okay, and the conversation ends.

This audio recording confirms that § 87(2)(b) was first provided with the name of the subject officer as “Johnson,” before he was provided conflicting information. Additionally, the recording captures the officer acknowledging that he was present for the incident that occurred the previous day. Furthermore, this recording also enabled the investigation to determine that the photograph § 87(2)(b) provided was contemporaneous to when § 87(2)(b) asked the officer for his name due to the fact that the sound of a camera taking a picture can be heard.

According to the CTS Officer Identification tool and the 34<sup>th</sup> Precinct roll call (32 Board Review), there are no officers with the name “Johnson”, “Benson”, or “Benjamin” in the 34<sup>th</sup> Precinct other than PO Peter Johnson. While there is a black male officer with the last name

"Benjamin" in the 33<sup>rd</sup> Precinct, the command log for the 34<sup>th</sup> Precinct from May 25, 2016, does not indicate that any officers from the 33<sup>rd</sup> Precinct or from any other command came to the stationhouse during the time of the incident. The command log and roll call from the 34<sup>th</sup> Precinct from May 25, 2016, note only three black male officers working at the time of both incidents: PO Daniel Shaw, PO Gerald Mortimor, and PO Johnson. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

PO Mortimor was assigned as the sergeant's operator at the time of the incident on May 25, 2016, and therefore would have been wearing a standard NYPD uniform. However, the photograph shows the subject officer to be wearing a light blue, short-sleeved polo shirt with NYPD insignias, which are typically worn by NCOs or Domestic Violence officers. Additionally, PO Mortimor's pedigree information indicates that he is 5'7" tall and weighs 170 pounds (40 Board Review), whereas the subject officer was described as a 6'0" bald black male with a muscular build. PO Johnson was not only working as a Domestic Violence officer on May 25, 2016, but his pedigree information demonstrates him to be a 6'2" tall, 210 pound black male with a light complexion and short hair (04 Board Review). This pedigree information also more closely matches that of the officer depicted in § 87(2)(b)'s photograph. § 87(2)(g)

During his interview at the CCRB, PO Johnson did not recall interacting with § 87(2)(b) on May 24, 2016, or on May 25, 2016, did not recognize the voice in the audio recording, and did not believe that he was depicted in the photograph (12 Board Review). PO Johnson's last memo book entry on May 25, 2016, was at 7:00 P.M., and he indicated that from that point until his end of tour at 10:35 P.M. he would have remained at the stationhouse. § 87(2)(b)'s photograph of the subject officer is time-stamped at 9:18 P.M. on May 25, 2016, and thus PO Johnson would have been at the stationhouse at the same time as § 87(2)(b). The incident on May 24, 2016, started at approximately 10:00 P.M., with § 87(2)(b) being transported to the hospital at approximately 10:25 P.M., as per PO Shaw's memo book (30 Board Review). On May 24, 2016, PO Johnson ended his tour at 10:35 P.M., and his last memo book entry indicated that he left 165 Sherman Avenue at 10:00 P.M. (30 Board Review). The incident with § 87(2)(b) occurred at 4243 Broadway Avenue, which is close to the 34<sup>th</sup> Precinct stationhouse.

§ 87(2)(g)

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§ 87(2)(g)

*Allegations C, D, and F*

§ 87(2)(b) recalled that he was frisked, but said that it was by some combination of PO Ortiz, PO Shaw, PO Johnson, and PO Gjevukaj, and that he did not know which specific actions each officer took. § 87(2)(g)

Additionally, § 87(2)(b) noted that his pockets, as well as bags attached to his wheelchair, were searched by one of the above four officers. § 87(2)(g)

**Allegations Not Pleaded**

- Abuse of Authority: Property damage – § 87(2)(b) alleged that on May 24, 2016, PO Shaw cut some of the cords that attached bags to his wheelchair before placing it with him in the ambulance. On a follow-up call, § 87(2)(b) said that the cost of the cords was minimal, and believed that PO Shaw cut the cords so that the wheelchair could be folded and fit inside the ambulance. § 87(2)(g)

**Allegation A – Abuse of Authority: On May 24, 2016, outside of 4243 Broadway Avenue in Manhattan, Police Officer Siclin Ortiz stopped** § 87(2)(b)

**Allegation B – Abuse of Authority: On May 24, 2016, outside of 4243 Broadway Avenue in Manhattan, Police Officer Daniel Shaw stopped** § 87(2)(b)

**Allegation C – Abuse of Authority: On May 24, 2016, outside of 4243 Broadway Avenue in Manhattan, Police Officer Siclin Ortiz frisked** § 87(2)(b)

**Allegation D – Abuse of Authority: On May 24, 2016, outside of 4243 Broadway Avenue in Manhattan, Police Officer Daniel Shaw frisked** § 87(2)(b)

§ 87(2)(b) said that on May 24, 2016, he argued with § 87(2)(b) and eventually left the store after § 87(2)(b) pushed him out of his wheelchair and called 911 saying that he had a knife, a statement § 87(2)(b) believed he made because a customer mentioned that he had a multi-tool in his pouch attached to his wheelchair. § 87(2)(b) briefly interacted with officers on that occasion, and left the area freely. He returned later that night to retrieve his scarf he had left there, and entered the store and argued with § 87(2)(b). The two cursed at each other, and § 87(2)(b) left the store, but § 87(2)(b) followed to continue arguing. § 87(2)(b) saw police officers from whom he wanted to get help, but § 87(2)(b) grabbed on to his wheelchair to prevent him from moving, and soon after, between 15 to 20 officers arrived on the scene. At around this time, PO Ortiz, PO Shaw, PO Gjevukaj, and PO Johnson began to interact with him. Upon approaching him, the officers asked him where the knife was, and some combination of the officers patted down his pants pockets, as well as assorted bags attached to his wheelchair. § 87(2)(b)'s initial phone statements and his in person interview were generally consistent, except that in his statement to IAB he did not mention he was frisked, and in his phone statement to the CCRB he said that officers asked him if he had narcotics, while in his in-person statement he did not believe officers asked him about narcotics (05-07 Board Review).

§ 87(2)(b) said that on the date of the incident, § 87(2)(b) argued with him about a purchase he had, during which he threatened people with a knife. He also came in and out of the store two to three more times that day, making threats on each occasion. § 87(2)(b) called police about the situation, but did not recall what he told them when they arrived, and stayed inside his store over the course of the incident (08 Board Review).

In the audio of the incident on May 25, 2016, contained in IA#173, PO Shaw says at 2:42, “You did not have the iPhone yesterday. We searched you yesterday. Remember, we were checking to see if you had a knife?” (37 Board Review).

PO Ortiz said that he responded to a 911 call for a dispute with a knife, and upon arrival to the incident location a minute later he went inside the shop. Upon entering, § 87(2)(b) left the building. PO Ortiz spoke to § 87(2)(b) who told him that he had called 911 because § 87(2)(b) came inside the store and threatened him with a knife. § 87(2)(b) said that he did not see the knife himself, but he did not want § 87(2)(b) returning to his store. PO Ortiz then went outside and saw § 87(2)(b) who was acting “belligerent” by speaking and yelling loudly, saying that he wanted his money back. He was moving his arms in front of his body, talking with his hands and gesticulating. PO Ortiz then frisked § 87(2)(b)’s front pockets and waistband area for the purpose of officer safety, based on the fact that § 87(2)(b) was yelling loudly and because of the report that he made threats with a knife. PO Ortiz did not feel a knife on § 87(2)(b)’s person and to his knowledge a knife was never recovered (09 Board Review).

PO Shaw generally corroborated PO Ortiz’s testimony of the incident, except where noted below. In his first interview, he recalled that § 87(2)(b) said that there was no knife, which made him decide not to take any action to investigate further. In his second interview, however, PO Shaw recalled what actions he took upon hearing the audio § 87(2)(b) provided and clarified that his statement in the audio referred to a frisk. PO Shaw said that the reasons for frisking § 87(2)(b) were because the call came over as a dispute with a knife, and because the shop owner was the one who made the call complaining about § 87(2)(b). PO Shaw recalled that he patted down § 87(2)(b)’s outer garments, and squeezed a small bag that was hanging between the front wheels of his wheelchair (10, 36 Board Review).

PO Gjevukaj only recalled responding to an assault or argument involving a knife and that when he arrived other officers were already speaking with § 87(2)(b) while PO Johnson had no recollection of the incident (11-12 Board Review).

EVENT § 87(2)(b) notes that at 10:02 P.M. on May 24, 2016, a 911 call was made in regards to a Russian male in a wheelchair making threats with a knife, between West 180 Street and West 181<sup>st</sup> Street (13 Board Review).

An individual may be stopped, defined as a seizure of that person which limits their freedom of movement, if officers have individualized reasonable suspicion that a felony or misdemeanor has been committed. Additionally, “When, but only when, the police have constitutional grounds to insist on detaining a citizen, there is the companion right to frisk a detainee in order to protect the



officers against the presence of weapons.” People v. DeBour 40 N.Y., N.Y.2d 210, (1976) (14 Board Review).

§ 87(2)(g)

**Allegation E – Abuse of Authority: On May 24, 2016, outside of 4243 Broadway Avenue in Manhattan, Police Officer Enlirat Gjevukaj seized § 87(2)(b) s property.**

§ 87(2)(b) said that at around the time he was frisked PO Gjevukaj asked about a knife, at which point § 87(2)(b) indicated that he had a multi-tool on his wheelchair’s armrest. PO Gjevukaj then took the multi-tool (05-07 Board Review).

PO Gjevukaj did not recall taking § 87(2)(b) s multi-tool, and neither PO Ortiz nor PO Shaw recalled ever recovering § 87(2)(b) s multi-tool or any officer taking it (09-12 Board Review).

§ 87(2)(g)

**Allegation F – Abuse of Authority: On May 24, 2016, outside of 4243 Broadway Avenue in Manhattan, an officer searched § 87(2)(b)**

§ 87(2)(b) alleged that an officer searched his pockets, as well as a pouch hanging between his front two wheelchair wheels, a first aid kit, and two small pouches on the back of his wheelchair, and a fruit basket attached to his wheelchair as well. § 87(2)(b) s in person statements and his phone statements were generally consistent, except that in his phone statement to the CCRB he believed that his keys, wallet, and power cords were removed from his person, while in his in person interview he did not recall what was taken during the search.

As noted when discussing **Allegations A, B, C, and D**, PO Shaw said that the audio contained in IA#173 referred to a frisk and not a search, even though he used the word “search” on the audio (37 Board Review).

§ 87(2)(g)

**Allegation G – Abuse of Authority: On May 24, 2016, outside of 4243 Broadway Avenue in Manhattan, Police Officer Siclin Ortiz threatened to arrest § 87(2)(b)**

**Allegation H – Abuse of Authority: On May 24, 2016, outside of 4243 Broadway Avenue in Manhattan, Police Officer Daniel Shaw threatened to arrest § 87(2)(b)**

§ 87(2)(b) said that while trying to complain that § 87(2)(b) assaulted him, PO Ortiz told him that he could be taken to jail for wasting the officers' time. § 87(2)(b) never told § 87(2)(b) to leave his store, or that he was trespassing. § 87(2)(b)'s phone statements were generally consistent with his in person interview, except that he did not mention any threats of arrest to IAB (05-07 Board Review).

§ 87(2)(b) said that on the day of the incident, he called 911 because § 87(2)(b) kept returning to the store on multiple occasions and making threats to people there, even though he did not want § 87(2)(b) at the store. § 87(2)(b) did not recall what exactly he said to officers when they arrived (08 Board Review).

PO Ortiz said that after responding to the 911 call, he spoke to § 87(2)(b) who said that he did not want § 87(2)(b) coming back to his business location. PO Ortiz told § 87(2)(b) that he needed to solve his issue with the Better Business Bureau, as his issue was not a criminal matter but a civil issue. PO Ortiz told him that if he went back inside the store, he would be arrested for trespassing. He did not recall how § 87(2)(b) responded to this statement, but recalled that § 87(2)(b) did not seem to listen to what was being told to him. PO Shaw generally corroborated PO Ortiz's testimony of the incident, and acknowledged that he also told § 87(2)(b) that he would be arrested for trespassing if he went back inside the incident location (09-10 Board Review).

PO Gjevukaj did not recall if § 87(2)(b) was engaging in any activity that would have warranted his arrest, and said that he saw other officers interacting with § 87(2)(b) on his arrival and did not get involved himself. PO Johnson did not recall the incident (11-12 Board Review).

A person is guilty of trespass when he knowingly enters or remains unlawfully in or upon premises. A person who, regardless of his intent, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he defies a lawful order both to enter or remain, personally communicated to him by the owner of such premises (PL 140.05) (16 Board Review).

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**Allegation I – Offensive Language: On May 24, 2016, outside of 4243 Broadway Avenue in Manhattan, Police Officer Peter Johnson made comments to § 87(2)(b) based on his physical disability.**

§ 87(2)(b) said that after PO Ortiz told him that he had to be taken to the hospital, PO Johnson, who was nearby, asked him if he really needed a wheelchair, commenting that he looked “nimble,” “flexible,” and “pretty able” while joking to other police officers. § 87(2)(b)'s phone statements and in-person statement were generally consistent (05-07 Board Review).

PO Johnson did not recall the incident or making any comments to § 87(2)(b) about his physical condition, and neither PO Ortiz, PO Shaw, nor PO Gjevukaj recalled any officer making any such comments (09-12 Board Review).

§ 87(2)(g)

**Allegation J – Abuse of Authority: On May 24, 2016, outside of 4243 Broadway Avenue in Manhattan, Police Officer Siclin Ortiz forcibly removed § 87(2)(b) to the hospital.**

§ 87(2)(b) said that he tried to explain the disputes he had with § 87(2)(b) but PO Ortiz told him that he was going to be taken either to the hospital or to jail because he was wasting officers' time. § 87(2)(b) told PO Ortiz that he had been injured in the assault but did not want to go to the hospital, however PO Ortiz told him that he did not have a choice. § 87(2)(b)

§ 87(2)(b) said that officers could take him to the hospital if they had to, but verbally protested that they were treating him wrong and handled the situation inappropriately. During that time, he was not yelling or making threats of violence to anyone nearby, or to himself. § 87(2)(b)'s phone statements and his in-person statement were generally consistent (05-07 Board Review).

§ 87(2)(b) believed that § 87(2)(b) was acting crazy because he kept coming back to the store, even though he already got his money back. § 87(2)(b) recalled calling the police twice on § 87(2)(b) but did not recall what he told police about the situation when they arrived. Once police arrived, § 87(2)(b) did not involve himself in the incident outside (08 Board Review).

PO Ortiz said § 87(2)(b) seemed to not listen to the officers, as he repeatedly complained that he wanted his money back, and that he did not want to leave. Because of this, PO Ortiz believed that § 87(2)(b) was emotionally disturbed and therefore EMS should be called. There were no other factors that led to this belief other than the fact that § 87(2)(b) was upset and not listening. PO Ortiz made this decision after five minutes of conversation with § 87(2)(b). PO Ortiz did not confer with any other officers before making the decision to call EMS. PO Ortiz did not see any physical injuries on § 87(2)(b) and at no point in the interaction did he feel physically threatened by him. § 87(2)(b) never threatened to harm himself or others, and there were no indications that he was a threat to himself or others. He did

not recall § 87(2)(b) complaining about assault, but recalled that he did not see any injuries on him (09 Board Review).

PO Shaw generally corroborated PO Ortiz's testimony of the incident, excepted where noted below. PO Shaw recalled that § 87(2)(b) complained that he had been assaulted but did not provide a clear answer as to how he was assaulted. PO Shaw also asked § 87(2)(b) if he had any psychological issues, and he said that he did not (10 Board Review).

PO Gjevukaj said that he could not hear what § 87(2)(b) said during the incident, but his demeanor seemed calm and normal. PO Gjevukaj left while § 87(2)(b) was still on the scene. PO Johnson did not recall the incident (11-12 Board Review).

§ 87(2)(b)'s medical records from § 87(2)(b) note that § 87(2)(b) was found on the street complaining that he was in a verbal dispute with someone and was kicked off of his wheelchair. He had no complaints of injury and the medical providers' impressions of him were that he had no medical problem. Medical records generated by FDNY corroborated, and note that responders were on scene for approximately one minute. (17, 33 Board Review).

A person is considered to be emotionally disturbed, and therefore must be taken into protective custody, when he appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others. PG 221-13 (18 Board Review).

§ 87(2)(g)  
[REDACTED]

**Allegation K – Abuse of Authority: On May 25, 2016, at the 34th Precinct stationhouse, Police Officer Peter Johnson refused to provide his name and/or shield number to § 87(2)(b)**

§ 87(2)(b) said that on May 25, 2016, he returned to the 34<sup>th</sup> Precinct stationhouse at some point in the afternoon to complain about how officers treated him the night before. While there, he saw an officer he interacted with the night before. He asked the officer for his name, which he

provided at first as “Johnson,” but then when § 87(2)(b) took out his cellphone to take a picture of him, the officer said his name was “Benson.” In a follow-up call made after § 87(2)(b) recovered the audio files located in IA#174, § 87(2)(b) confirmed that he believed that the officer speaking from 9:54 to 10:00 and from 16:30 to 23:00 in that audio was PO Johnson. § 87(2)(b)'s phone statements and in-person statements were generally consistent, except that in his initial statement to IAB he did not mention any incidents on May 25, 2016 (05-07, 34 Board Review).

In the audio captured on May 25, 2016, and contained in IA#174, at approximately 9:54 in the audio, an officer interacting with § 87(2)(b) says to another officer that he and other officers responded to a job of his the day before involving an issue over a knife. § 87(2)(b) then says, “Can I get your name please?” An officer asks, “For what?” § 87(2)(b) then says that he did not get his name last night, and the same officer responds that he did. § 87(2)(b) then says, “I don’t have your name. I don’t have your name.” The officer then replies, “Johnson. No. You don’t need a picture of me in here.” An audible click is then heard on the audio of a phone camera taking a picture, as another officer says, “You can’t do that.” § 87(2)(b) then asks, “Johnson? Well he wouldn’t give me his name. How come? He didn’t give it to me yesterday. Johnson?” A voice then says, “No.” § 87(2)(b) asks again, “You said Johnson?” and the voice again says, “No.” At that point, multiple voices say, “Benjamin, Benjamin, Benjamin.” § 87(2)(b) then says, “Benjamin? It is true? Before you said Johnson.” The conversation then ends, and no officers respond to § 87(2)(b). Later on in the same audio, § 87(2)(b) speaks with the same officer again and at 20:10 says “Officer Johnson,” to which he responds, “No I’m not Johnson.” § 87(2)(b) then complains that first he said Johnson and then Benjamin, to which the officer says, “Who said that?” PO § 87(2)(b) says that he did. The officer then speaks inaudibly before telling § 87(2)(b) that officers would likely tell him to leave soon. § 87(2)(b) says okay, and the conversation ends at 20:56 (38 Board Review).

PO Johnson did not recall interacting with § 87(2)(b) on May 25, 2016, and did not recall ever refusing to provide him his name and shield, providing a fake name, or telling him his name was “Benson” or “Benjamin,” and not “Johnson.” PO Johnson viewed the photograph contained in IA#148 and did not recognize it as himself, or know who it was. PO Johnson listened to the audio in IA#174 from 9:54 to 10:50 and from 20:10 to 20:56, and denied that his voice was heard on the audio and reiterated that he did not believe that he ever interacted with § 87(2)(b) (12, 35 Board Review).

Neither PO Ortiz, PO Shaw, PO Gjevukaj, nor PO Vanwieren recognized the officer in the photograph contained in IA#148, or recalled an officer refusing to provide § 87(2)(b) their name in the circumstances he alleged. PO Shaw listened to the audio contained in IA#174 from 9:54 to 10:50 and 20:10 to 20:56, and did not believe that the officer speaking in either portion of the recording was him or PO Johnson (9-11, 13, 36 Board Review).

Officers are to courteously and clearly state their rank, name, shield number and command, or otherwise provide them, to anyone who requests them to do so. Officers are also to allow the person ample time to note this information P.G. 203-09 (28 Board Review).

§ 87(2)(g)

**Allegation L – Abuse of Authority: On May 25, 2016, outside of 4243 Broadway Avenue in Manhattan, Police Officer Enlirat Gjevukaj threatened to arrest § 87(2)(b)**

**Allegation M – Abuse of Authority: On May 25, 2016, outside of 4243 Broadway Avenue in Manhattan, Police Officer Siclin Ortiz threatened to arrest § 87(2)(b)**

§ 87(2)(b) said that after going to the stationhouse, he went back to the smoke shop and attempted to take a picture of § 87(2)(b) with his cellphone, however § 87(2)(b) knocked him over and took it. § 87(2)(b) then crossed the street and called 911 on a different phone, at which point PO Ortiz and PO Shaw responded. While § 87(2)(b) did not allege that PO Ortiz or PO Gjevukaj threatened to arrest him during this incident, their voices are captured on the audio he provided in IA#15 (07 Board Review).

In the audio recording contained in IA#15, at the start of the audio, PO Gjevukaj asks § 87(2)(b) why he keeps coming to the incident location. At 00:27 he says, “Next time there is no hospital. Listen, listen. Next time there’s no hospital. You’ll just be arrested next time.” § 87(2)(b) asks what for, and PO Gjevukaj says, “I’m just saying that.” At 00:35, PO Gjevukaj says, “Next time you call, you will be arrested.” Later on in the recording, PO Ortiz speaks with § 87(2)(b) and says, from 7:40 through 7:58, that if he goes back inside of the incident location, he will be arrested. The audio ends after 8:19 minutes, when the officers walk away from § 87(2)(b) (22 Board Review). § 87(2)(b) also had an audio recording from an incident later that night, contained in IA#16, in which he and PO Ortiz and PO Shaw argue about § 87(2)(b)’s disputes. That audio ends at 9:18, when officers walk away from § 87(2)(b) (23 Board Review).

PO Gjevukaj did not have an independent recollection of their incident. After listening to the audio referenced above, he recalled that the incident was in regards to an argument between § 87(2)(b) and a shop owner, and that there had been multiple calls to that location. He recalled that it was in regards to the price of something, but that the dispute had been settled, and according to § 87(2)(b) § 87(2)(b) kept returning to the incident location even though § 87(2)(b) wanted him to stop. PO Gjevukaj did not recall § 87(2)(b) ever complaining about being assaulted, and believed that his complaint was about a monetary dispute. PO Gjevukaj determined that § 87(2)(b) had no valid complaints against § 87(2)(b). PO Gjevukaj said that his statements captured on the audio recording were in regards to trespassing, and what he meant was that if § 87(2)(b) returned to the incident location, he could be arrested for trespassing. When asked specifically if § 87(2)(b) could have been arrested for calling 911 repeatedly, he said that he could have been arrested for making false reports. PO

Gjevukaj acknowledged that he did not know who was making the 911 calls during the incident, but said that based on his conversation with § 87(2)(b) he determined that if § 87(2)(b) kept making calls about the incident location, he would be arrested for making false reports. PO Gjevukaj said that he may have explained more of what his threat to arrest meant to § 87(2)(b) at another point in the conversation that was not captured on the audio, however he did not recall (11 Board Review).

PO Ortiz said that he and PO Shaw responded to another 911 call regarding a dispute. Upon arrival he spoke to § 87(2)(b) who said that § 87(2)(b) came back again to complain and that after being told to leave, he stationed himself outside the door and was speaking loudly, scaring away potential customers. PO Ortiz then spoke to § 87(2)(b) who was outside next to the store, and told him that he needed to solve his problem through the Better Business Bureau, and that he could be arrested for trespassing if he went back inside, as the store owner did not want him at his place of business. During the conversation, § 87(2)(b) refused to leave the area, even though he was repeatedly told to leave and solve the issue through civil means. PO Ortiz did not recall discussing with § 87(2)(b) the number of times he had been calling 911, or the issue of making false reports (09 Board Review).

PO Shaw at first only recalled seeing § 87(2)(b) once on May 25, 2016, when he was standing outside of the stationhouse complaining about injuries he had, which he did not believe were the result of an assault and may have been self-inflicted. PO Shaw then listened to the audio contained in IA#15, from 00:00 to 2:31, and while he recognized his voice on the audio, it did not refresh his memory as to his or other officers' interactions with § 87(2)(b) on May 25, 2016. After listening to the audio contained in IA#16 from 00:26 to 1:00, also recorded on May 25, 2016, PO Shaw recalled interacting with § 87(2)(b) once more that night, and believed that he had a memo book entry related to § 87(2)(b)'s dispute with § 87(2)(b) that evening, but that § 87(2)(b) had his phone at the time, which was what he was complaining about on the audio. PO Shaw did not recall speaking to the shop owner at that time, but did not believe that § 87(2)(b) had any valid complaints against § 87(2)(b) because he did not know when he could have sustained the injuries he complained about. PO Shaw did not believe that § 87(2)(b) was ever asked about the number of times he called 911, but said that he believed that § 87(2)(b) was purposefully calling 911 to try to get officers to help him settle his dispute with the shop owner. When asked if he could have been arrested for doing that, PO Shaw said that it was criminal to misuse the 911 call system, but that he did not know if § 87(2)(b)'s actions rose to the level of false reports, and that he would have used his discretion not to arrest § 87(2)(b) (10 Board Review).

EVENT Documents and Resource Recap Logs from the date of the incident notes that EVENT § 87(2)(b) is a call from 4243 Broadway at 9:42 PM for a larceny in progress, which is closed at 10:02 PM as a non-crime (13 Board Review).

A person is guilty of falsely reporting an incident in the third degree when he gratuitously reports to a law enforcement officer or agency the alleged occurrence of an offense or incident which did not in fact occur; or an allegedly impending occurrence of an offense or incident which in fact is not about to occur; or false information relating to an actual offense or incident or to the alleged implication of some person therein (PL 240.5) (24 Board Review)

A person is guilty of trespass when he knowingly enters or remains unlawfully in or upon premises (PL 140.05) (16 Board Review).

§ 87(2)(g)

[REDACTED]

**Allegation N – Abuse of Authority: On May 25, 2016, outside of 4243 Broadway Avenue in Manhattan, Police Officer Siclin Ortiz threatened to remove § 87(2)(b) to the hospital.**

**Allegation O – Abuse of Authority: On May 25, 2016, outside of 4243 Broadway Avenue in Manhattan, Police Officer Daniel Shaw threatened to remove § 87(2)(b) to the hospital.**

**Allegation P – Abuse of Authority: On May 25, 2016, at the 34<sup>th</sup> Precinct stationhouse, Police Officer Amanda Vanwieren threatened to remove § 87(2)(b) to the hospital.**

§ 87(2)(b) said that after PO Ortiz and PO Shaw responded to his 911 call about what had happened at the smoke shop, he complained that he was assaulted, but PO Ortiz told him to go home, at which point PO Ortiz and PO Shaw told him that he would be taken to the hospital again. § 87(2)(b) then went to the 34<sup>th</sup> Precinct stationhouse, where he complained again about his assault to PO Ortiz and PO Vanwieren. While there, PO Vanwieren told him that if he did not leave, he would be taken to the hospital again. § 87(2)(b) said that if they were not going to get help, then he would take pictures. PO Vanwieren told him he could, at which point § 87(2)(b) took pictures in the stationhouse. § 87(2)(b)'s phone statements and in-person statement were generally consistent, except that in his CCRB phone statement he said that either PO Ortiz or PO Shaw threatened to remove him to the hospital, and in his in-person statement he said that both officers made the threats. He did not mention any incidents on May 25, 2016, in his initial call to IAB (05-07 Board Review).

On the audio contained in IA#15, PO Ortiz says at 1:23 “If you don’t leave, I’m going to send you to the hospital again. I’m just letting you know,” and at 2:25 says, “I’m telling you, you got to go, or I’m calling an ambulance again and we can wait, and you’re going to the hospital



again.” The audio recording ends after 8:19 minutes, with the officers walking away from § 87(2)(b). In the audio recording of IA#173, § 87(2)(b) complains to PO Shaw that he was assaulted and had his phone taken, and at 3:17 PO Shaw tells him, “Alright, you’re going to the hospital again.” In the recording of IA#20, taken at the 34<sup>th</sup> Precinct stationhouse and approximately 15 minutes after his last interactions with PO Ortiz and PO Shaw, § 87(2)(b) explains that he called 911 prior because he was assaulted and had his phone taken. At 1:11 PO Vanwieren says, “Okay I’m going to call an ambulance for you. You’re not mentally sound. If you were in the right state of mind you would have left the last time I asked you to leave. And you don’t want to leave.” § 87(2)(b) complains that he wants to press charges in regards to his assault and to speak with PO Ortiz, who was the responding officer. PO Vanwieren says that PO Ortiz cannot help him, and to come back the next day. At 1:38 she says, “Come back later sir. If I see you again tonight I’m going to call an ambulance to get you evaluated.” § 87(2)(b) says he was taken last night, to which PO Vanwieren responds, “And you’ll go again tonight.” The audio recording ends at 2:38, with PO § 87(2)(b) leaving the precinct stationhouse. (27, 22, 37 Board Review).

PO Ortiz said that after he told § 87(2)(b) to leave the incident location and he refused, he told him that he would call an ambulance for him and send him to the hospital again. PO Ortiz made this statement because § 87(2)(b) seemed emotionally disturbed as he did not want to leave the area when told, he now had a history of going to the hospital since he was taken the night before, and he was “known” in the precinct. § 87(2)(b)’s demeanor was calmer than it was the night before, as while he was still angry, he was not gesticulating with his hands, and was generally less agitated. In regards to § 87(2)(b) being “known” in the precinct, PO Ortiz said he meant that an officer had told him that he or she had dealt with § 87(2)(b) in the past. However, PO Ortiz did not recall the context or outcome of that encounter. PO Ortiz decided not to call EMS on § 87(2)(b) because he eventually left the incident location, which he interpreted as § 87(2)(b) understanding that he had to leave the area and that the issue was resolved. PO Ortiz did not recall if § 87(2)(b) complained about being harassed or assaulted. He did not recall if PO Shaw told § 87(2)(b) that he would be taken to the hospital, and did not recall if PO Vanwieren ever threatened to remove § 87(2)(b) to the hospital while at the 34<sup>th</sup> Precinct stationhouse. PO Ortiz listened to the audio contained in IA#15 from 00:00 to 2:31 and confirmed that he was the one threatening to remove § 87(2)(b) to the hospital, and did not want to clarify the statements there. Listening to the audio contained in IA#20 did not refresh his memory as to ever interacting with § 87(2)(b) and PO Vanwieren in the stationhouse, and he could not tell if the male voice present on the recording was his. (09 Board Review).

During his first interview, PO Shaw said that when he saw § 87(2)(b) on May 25, 2016, he generally seemed less agitated than the day before, but was still argumentative. He was not exhibiting any unusual behavior, and he did not recall him taking any actions that would have warranted his removal to the hospital, and he did not observe § 87(2)(b) act in any way that was threatening either to himself or others. During his first interview, PO Shaw listened to the audio contained in IA#15 from 00:00 to 2:31, which did not refresh his memory as to whether PO Ortiz threatened to remove § 87(2)(b) to the hospital. After listening to the audio in IA#173 during his second interview, he acknowledged telling § 87(2)(b) he would be taken to the

hospital, based on the fact that he still did not seem to understand that his complaints against § 87(2)(b) were not criminal complaints (10, 36 Board review).

PO Vanwieren did not recall the incident, and while she confirmed her voice was on the audio in IA#20 telling § 87(2)(b) she would remove him to the hospital, she still did not have an independent recollection of the incident. When asked to explain her statements that § 87(2)(b) could be taken to the hospital, PO Vanwieren said that she must have made those statements because she believed § 87(2)(b) was emotionally disturbed. When asked if there was anything § 87(2)(b) was doing that made him a threat to himself or others, she said that from the audio, it sounded as if he was ignoring orders given to him by other officers. When asked to clarify further about his physical actions, PO Vanwieren said that she did not remember his physical behavior, and was unsure if he was acting in any way that was erratic or irrational. When asked why the decision was made not to call an ambulance for § 87(2)(b) PO Vanwieren said that she did not know (25 Board Review).

PO Gjevukaj recalled that when he interacted with § 87(2)(b) he was angry and yelling, but did not recall if he was making any threats to others or himself, or if he was making any irrational demands. He did not recall if PO Ortiz or PO Shaw made threats to remove § 87(2)(b) to the hospital.

A person is considered to be emotionally disturbed, and therefore must be taken into protective custody, when he appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others (PG 221-13) (18 Board Review).

§ 87(2)(g)

[REDACTED]

**Allegation Q – Abuse of Authority: On May 25, 2016, at the 34<sup>th</sup> Precinct Stationhouse, Police Officer Amanda Vanwieren threatened to arrest § 87(2)(b)**

Although § 87(2)(b) did not allege that PO Vanwieren threatened to arrest him, the audio he provided in IA#20 contains threats of arrest made by PO Vanwieren. § 87(2)(b) stated that he had seen PO Vanwieren once before, earlier that day when he went to the precinct stationhouse to ask about making a complaint about his police interactions (05-07 Board Review).

In § 87(2)(b)'s audio in IA#20, at 00:27 PO Vanwieren says, "Listen to me, you're going to get someone hurt racing to your jobs. I'm going to end up arresting you because a cop is going to crash a car trying to help you. We've told you multiple times what to do. Leave the command desk or I'm going to call an ambulance for you and that is what is going to happen." § 87(2)(b) then says, "I respect police officers, okay. I don't do anything illegal," to which PO Vanwieren responds, "You are now frustrating me. This is not a public building. You are now trespassing. Leave our precinct" (27 Board Review).

As noted prior, PO Vanwieren had no independent recollection of the incident. When asked about what she meant when she said at 00:27 that § 87(2)(b) would be arrested if officers got injured on the way to one of his calls, she said that making a false report was an arrestable offense, however she did not know if her threat to arrest in this situation was specifically about § 87(2)(b) making false reports, as PO Vanwieren believed that officers need to go through a process of reporting false calls and proving they are false. PO Vanwieren reiterated that she did not recall what she meant by this statement, or the details surrounding her statement. Additionally, PO Vanwieren was unsure if an officer getting injured on a call that was a false report was a specific crime for which someone could be arrested. PO Vanwieren said that according to the audio, she believed that her purpose in making those statements regarding false reports and officer injuries was to make a point to § 87(2)(b) as to whether or not it was worth it for him to keep making complaints if it led to officer injuries. According to the audio, PO Vanwieren said it sounded as if she had been talking to other officers about § 87(2)(b) making false reports. However, she again reiterated that she had no independent recollection of the incident. When asked to clarify the statements made about trespassing, PO Vanwieren said that the stationhouse is not a public place, and if someone remains inside once told to leave that person is trespassing, and can be arrested (25 Board Review).

PO Ortiz did not recall interacting with § 87(2)(b) at the 34<sup>th</sup> Precinct stationhouse, and listening to the audio in IA#20 did not refresh his memory (09 Board Review).

A person is guilty of falsely reporting an incident in the third degree when he gratuitously reports to a law enforcement officer or agency the alleged occurrence of an offense or incident which did not in fact occur; or an allegedly impending occurrence of an offense or incident which in fact is not about to occur; or false information relating to an actual offense or incident or to the alleged implication of some person therein (PL 240.5) (24 Board Review).

A person is guilty of trespass when he knowingly enters or remains unlawfully in or upon premises (PL 140.05) (16 Board Review).

§ 87(2)(g)

[REDACTED]

**Allegation R – Discourteous Language: On May 25, 2016, outside of 4243 Broadway Avenue in Manhattan, Police Officer Siclin Ortiz spoke discourteously to § 87(2)(b)**

§ 87(2)(b) did not allege that PO Ortiz used profanity against him in any of his statements; however his voice is captured in the audio § 87(2)(b) provided (05-07 Board Review).

PO Ortiz did not recall ever using profanity when speaking to § 87(2)(b) or using the phrase “fucking knife” when speaking with him. PO Ortiz listened to the audio contained in IA#16 and confirmed that he was speaking to § 87(2)(b) and used the phrase “fucking knife,” although hearing the audio did not refresh his memory as to that interaction with § 87(2)(b) and PO Ortiz could not clarify his statements beyond what was heard in the audio (09 Board Review).

PO Shaw did not recall PO Ortiz ever using profanity when speaking with § 87(2)(b) (36 Board Review).

In IA#16, § 87(2)(b) tells PO Ortiz and PO Shaw outside of 4243 Broadway Avenue that he called 911 because he had the license plate of the person who assaulted him. § 87(2)(b) and the officers argue, and § 87(2)(b) asks about his multi-tool. At 7:54, PO Ortiz says, “So they probably took your fucking knife.” The audio recording ends at 9:18, with the officers walking away from § 87(2)(b) (23, 37 Board Review).

The EVENT Documents and Recourse Recap Logs related to this incident note EVENT § 87(2)(b) a call from 4243 Broadway Avenue at 10:48 P.M. regarding an assault that happened in the past, which was closed at 11:11 P.M. as a non-crime (13 Board Review).

Officers are to be courteous and respectful when dealing with the public P.G. 203-09 (28 Board Review).



	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date